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13 Attorneys for Defendant
14 SKYWEST AIRLINES, INC.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 SKYWEST PILOTS ALPA ORGANIZING
19 COMMITTEE, et al.,

20 Plaintiffs,

21 vs.

22 SKYWEST AIRLINES, INC.,

23 Defendant.

Case No. C-07-2688 CRB

DEFENDANT SKYWEST AIRLINES,
INC.'S *EX PARTE* MOTION TO EXCEED
PAGE LIMITATIONS SET FORTH IN
THE COURT'S STANDING ORDER

Judge: Hon. Charles R. Breyer

Action Filed: May 22, 2007

1 TO THE HONORABLE CHARLES R. BREYER:

2 Pursuant to Local Rule 7-11, Defendant SkyWest Airlines, Inc. ("SkyWest") seeks an order
3 authorizing it to file an opposition in excess of the 15-page limit set forth by this Court's Standing
4 Order. Because this Motion deals solely with an administrative request, SkyWest respectfully
5 submits that it is appropriate for consideration on an *ex parte* basis.

6 **BACKGROUND**

7 Following a two-day evidentiary hearing, the Court authorized supplemental briefing limited
8 solely to the issue of whether Paragraph 3 Relief should be included in any preliminary injunction
9 that might issue. The Plaintiffs' brief goes far beyond the limited scope, and page limits, authorized
10 by the Court. Although SkyWest requests that the Court disregard and strike those extraneous
11 sections of Plaintiffs' (and SkyWest's) brief, SkyWest responds to those sections of Plaintiffs' brief in
12 an abundance of caution. SkyWest's brief is thus in excess of the 15-page limitation. The Court
13 already has granted Plaintiffs' request to file an oversized brief.

14 **RELIEF REQUESTED**

15 With this motion, SkyWest seeks entry of an order permitting it to file an opposition to
16 Plaintiffs' Supplemental Brief Re: Remedies that exceeds the fifteen page limitation established by
17 this Court's Standing Order. Alternatively (and preferably), SkyWest requests that the Court strike
18 the portions of Plaintiffs' brief, and the response from SkyWest that it necessitated, that go beyond
19 the scope of issues which this Court allowed the parties to address.

20 **ARGUMENT**

21 This Court's Standing Order provides that motions shall not exceed fifteen pages of text.
22 This page limit, however, can be enlarged at the Court's discretion. *See* Local Rule 7-11 (expressly
23 referencing "motions to exceed otherwise applicable page limitations"). SkyWest respectfully
24 requests that it be excused from this Court's fifteen page limitation, for the following reasons. First,
25 Plaintiffs have filed, and this Court has granted, a motion requesting to exceed this Court's page
26 limitation in their supplemental brief regarding remedies. Second, in their supplemental brief
27 regarding remedies, Plaintiffs went beyond the limited scope authorized by the Court, addressing the
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1 relief "sought in paragraphs 3 and 4 of Plaintiffs' Revised Proposed Preliminary Injunction and
 2 including substantial argument on the issue of the Court's jurisdiction over this matter, despite the
 3 Court's denial of Plaintiffs' request for further argument on that issue. Such tactics have severely
 4 prejudiced SkyWest by forcing it to respond to these unauthorized issues within the tightly
 5 constrained timeframe established by the Court for addressing Paragraph 3 Relief, and within the
 6 space limitations set by the fifteen page limitation in the Court's Standing Order.

7 CONCLUSION

8 SkyWest is constrained to address all issues in Plaintiffs' supplemental brief in an abundance
 9 of caution. Due to the extraneous arguments in Plaintiffs' supplemental brief, SkyWest's opposition
 10 is in excess of the fifteen page limitation in the Court's Standing Order. SkyWest respectfully
 11 requests that the Court disregard and strike those extraneous sections of Plaintiffs' (and SkyWest's)
 12 brief. Alternatively, SkyWest requests that the Court enter an order granting SkyWest's motion to
 13 exceed the page limitation set forth in the Court's Standing Order pursuant to the proposed order,
 14 filed herewith, and such other and further relief as is just and proper.

15 Dated: June 14, 2007

WINSTON & STRAWN LLP

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 18 By: /s/ Robert Spagat
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 21 SKYWEST AIRLINES, INC.
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